

11/29/93

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	
)	
Microdot, Incorporated,)	Docket No. RCRA-09-93-0002
)	
Respondent)	

**ORDER GRANTING MOTION FOR AN ACCELERATED
DECISION ON RESPONDENT'S LIABILITY**

By motion dated October 21, 1993, Complainant (EPA's Region IX) requests that an accelerated decision be issued finding Respondent liable for violating Section 3002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6922 ("RCRA") and the regulations adopted thereunder. The specific violations are designated in the following counts as described in the motion:

1. Count I: Failure of Generator to Ship Hazardous Waste to a Treatment, Storage, or Disposal Facility (TSD) Permitted to Handle Hazardous Waste - Manifest number 87439049.
2. Count II: Failure of Generator to Ship Hazardous Waste to a Treatment, Storage, or Disposal Facility (TSD) Permitted to Handle Hazardous Waste - Manifest number 88326504.
3. Count III: Failure of Generator to Ship Hazardous Waste to a Treatment, Storage, or Disposal Facility (TSD) Permitted to Handle Hazardous Waste - Manifest number 87274871.
4. Count IV: Generator Failure to Submit a Notification and/or Certification With Each Shipment of Hazardous Waste Restricted From Land Disposal - Manifest number 88326504.
5. Count V: Failure of Generator to Indicate the Site Address of Designated Facility on the Manifest - Manifest number 87439049.

6. Count VI: Failure of Generator to Indicate the Site Address of Designated Facility on the Manifest - Manifest number 88326504.

7. Count VII: Failure of Generator to Indicate the Site Address of Designated Facility on the Manifest - Manifest number 87274871.

8. Count VIII: Failure of Generator to Enter Proper DOT Description of the Hazardous Waste on the Manifest - Manifest number 87439049.

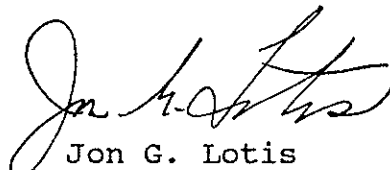
In its motion the Complainant sets forth in detail the facts and circumstances surrounding the alleged violations. Complainant asserts that there is no genuine issue as to any material facts concerning Respondent's liability. Complainant argues that it is entitled to an accelerated decision on liability as a matter of law.

The time for answers to Complainant's motion has expired. No response has been received.

Complainant has made a prima facie showing in its motion that Respondent violated the RCRA and the accompanying regulations as alleged. Accordingly, Complainant's motion is granted.

This ruling addresses the issue of liability. The amount of civil penalty remains an issue to be determined either by settlement or after evidentiary hearing.

Copies of this order have been telefaxed to the parties this same day.

A handwritten signature in cursive script, appearing to read "Jon G. Lotis".

Jon G. Lotis
Administrative Law Judge

Dated: November 24, 1993
Washington, D.C.

IN THE MATTER OF MICRODOT, INCORPORATED, Respondent
Docket No. RCRA-09-93-0002

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Motion For An Accelerated Decision on Respondent's Liability, dated November 24, 1993, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Steven Armsey
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**Copy by Facsimile and by
Regular Mail to:**

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Stacia Hyde-Eason
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401 M Street, S.W.
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Dated: November 24, 1993
Washington, D.C.